

FORTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, March 22, 1905.

Senate met pursuant to adjournment,
President Pro Tem. Hanger in the
chair.Roll called, quorum present, the
following Senators answering to their
names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Griggs.	Stafford.
Smith.	

Prayer by the Chaplain, Rev. H. M.
Sears.Pending the reading of the Journal
of yesterday, on motion of Senator
Faulk the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stokes:

Rusk, Texas, March 13, 1905.

To the Hon. C. C. Stokes, Senator
Thirteenth Senatorial District of
Texas:We, the undersigned citizens and
farmers of Cherokee county, Texas,
respectfully petition you as our Sena-
tor to vigorously oppose any increase
of the ad valorem tax in this State,
and to give the tax bills originating in
the House of Representatives your ear-
nest support. We feel that the ad va-
lorem tax is now as high as the farm-
ers of the State can bear, especially
in view of the fact that the boll weevil
is so destructive to our cotton crops.
Respectfully submitted.Signed—F. Sylvester, S. L. Hudson,
J. W. Vining, L. R. Todd, J. D. Norton,
F. W. McMinn, C. E. Henry, R. J.
Johnson, J. E. Mayo, C. L. Hutchins,
Y. A. Gibson, S. B. Tenock, E. M.
Mosely, W. C. Cinbo, S. S. Henry, J.
P. McMinn, W. H. Pearson, T. A.
Applewhite, J. R. Goff, J. W. Andress,
J. C. Davidson, C. M. Waggoner, J. W.
Gay, H. Grigg, J. W. Boozer, W. A.
Pettus, J. E. McDonald, S. W. Long,
H. M. Sutton, W. T. Brown, J. F. Beall,
J. E. Mays.

Percilla, Texas, March 20, 1905.

Hon. C. C. Stokes, Austin, Texas.

Dear Sir: We, the undersigned citi-
zens and farmers of Houston county,
Texas, petition you, asking you to sup-
port those tax bills the House has
passed to meet the deficiency in the
State treasury, namely, the Bowser
bill, the Love bill, the Kennedy bill,
etc., and protest against any increase
in the ad valorem tax.Signed—J. M. Dickey, J. W. Brum-
ley, J. H. Dickey, W. H. Dickey, A. K.
Dickey, C. W. Butler, T. E. Covington,
C. E. James, C. K. Lively, B. D. Dickey,
D. G. Bishop, W. A. Patterson, Z. J.
Brumley, J. W. Reynolds, J. E. How-
ard, S. P. Brumley, W. A. Adams, D.
F. McKenzie, H. F. Newman, J. H.
Mallory, O. Dennis, Charlie Dickey,
Willie Brumley, M. F. Bridges, A. L.
Jones, J. J. Byrum, A. F. Dickey, J. E.
Bush, J. A. Shoemaker.

By Senator Harper:

Thornton, Texas, March 3, 1905.

Mr. A. J. Harper, Austin, Texas.

Dear Sir: We, as a body of voters
of Limestone county, Texas, do hereby
ask you as our State Senator to vote
for any measure that will equalize the
tax on corporations and trusts, as fol-
lows:Signed—J. D. Davis, B. H. Hyden,
J. E. Nettles, A. L. Durham, J. D. Her-
ring, J. D. Moore, J. D. Ellis, W. L.
Lenamond, Solon Rasco, Henry Foy,
Helton Madford, H. G. Chambliss, J. W.
Durham, J. H. Carr, R. P. Davis, Lester
Shepard, S. D. Herod, R. C. Rasco, G.
W. Griffin, L. E. Jones, B. A. Hyden,
C. A. Bates, W. F. Heron, W. M. Herod,
J. B. Lenamond, W. R. Wimberly, B.
D. Wheelock, R. J. Smith.Please give this a consideration and
use all influence to this matter.

Very respectfully,

J. D. MOORE, Chairman.

Senator Looney offered several peti-
tions from various parts of his dis-
trict anent the tax legislation. The
same were presented to the Senate.

By Senator Glasscock:

Petition of citizens from William-
son county asking for the passage of
House taxation bills.

Block House, March 13, 1905.

To Hon. Geo. W. Glasscock, Senator
for Williamson county:We, undersigned, who are citizens
of Williamson county and identified
with the agricultural interests of that
county, desire to suggest to you the
propriety of giving your support to
the revenue bills now pending in the
Legislature known as the Bowser bill,
relating to insurance companies; the
Love bill, taxing the gross receipts of
railroads; the Kennedy bill, and the
Williams intangible asset bill.

We suggest to you that the principal argument made in opposition to these measures by the different interests affected by them, viz., that the bond and stock holders of the railroads and other corporate enterprises are entitled to a reasonable interest on their investment, and that the passage of these measures will seriously impair this right, applies in a much greater degree to the agricultural interests of the State. The farmers of the State are certainly entitled to a reasonable return upon their investment in lands and labor. An increase of the ad valorem tax rate would affect them chiefly and would materially reduce their already meager returns.

D. L. Donoh, R. L. Donoh, H. L. May, W. P. Davis, Jr., Wiley Davis, T. O. McFarland, H. C. Crooks, A. A. Jennings, G. W. Tubb, Shade Simpson, J. B. Jennings, J. R. Warren, Irvin Warren, Oscar Warren, Tom Mitchell, M. F. Jennings, J. E. Simpson, H. E. McFarland, L. A. Crook, Lee Long, A. J. Walker.

Hon. G. W. Glasscock, State Senator,
Twenty-fourth Senatorial District,
Austin, Texas.

Dear Sir: Believing that the burden of taxation should rest alike on all classes, we, the undersigned citizens of Burnet county, Texas, respectfully ask that your influence be given in behalf of the tax measures now pending in the Legislature, known as the Bowser bill, the Love bill and the Kennedy bill, and that you strenuously oppose any increase in the ad valorem rates of taxation.

Respectfully submitted,

L. J. Warner, W. J. Campbell, S. A. Word, John Webb, G. L. Jackson, J. C. Watkins, R. Bowden, L. E. Duzan, S. J. Minton, A. A. Yeary, Jim Brannan, B. K. Cheek, A. J. McNett, Jr., John W. Wolf, J. E. Word, J. M. McAnally, J. L. Parker, C. P. Warner, J. T. Young, R. H. May, G. M. McCall, W. O. Cook, G. M. Webb.

Round Rock, Texas,

March 16, 1905.

To the Hon. G. W. Glasscock, Senator.

We, the undersigned farmers and citizens of Williamson county, having heard of deficiency in the State Treasury and believing that the farmers are already bearing their full share of taxation, and we do hereby protest against any raise in the ad valorem taxation, and we would respectfully ask you to support the House bill known as the Bowser bill; also the Love bill, also the Kennedy bill and Williams' intangible asset bill.

Signed:

G. A. Walker, W. D. Walden, W. B. Glenn, J. V. Agee, B. F. Bustin, N. Nelson, Jess Prewitt, Will Carter, S.

Rasmusser, H. T. Estepp, A. Nelson, M. T. Thorp, Arthur Rutledge.

By Senator Martin:

Steelman Valley, Bell County, Tex.,

March 20, 1905.

Hon. R. W. Martin, Austin, Texas.

Dear Sir: We, the undersigned farmers and citizens of the above named county and State, most respectfully request that you use your vote and influence in the Senate favoring the pending bills before your honorable body which have been passed by the House, namely, the Bowser bill, the Love bill, the Williams intangible asset bill; also the Kennedy bill, which is likely to pass the House. Hoping that you will support these tax measures that originated in the House and protest against any increase in the ad valorem rate of taxation, we are yours most respectfully,

R. A. Slawson, M. A. Levy, J. A. Clark, B. B. Mantooth, H. L. Jackson, A. B. Ellington, D. G. Bridges, L. B. Underwood, E. M. Caskey, M. A. Slawson, Jas. Brooking, J. A. Jackson, J. A. Burdnett, M. E. Caskey, J. D. Shelton, S. E. Smith, J. E. Smith.

By Senator Faulk:

Eustace, Texas, March 20, 1905.

Hon. J. J. Faulk, Austin, Texas:

We, the undersigned farmers and citizens of Henderson county, do hereby pray you to favor the tax bill that originated in the House.

Signed—Ed Cook, J. H. Allison, M. J. Abbott, D. C. Durham, S. W. Durham, J. C. Cook, John H. Cowen, R. N. Bradley, R. A. Starr, R. C. Nettles, E. W. Thompson, E. T. Carroll.

By Senator Faulk:

Berryville, Henderson County, Texas,
March 20, 1905.

Hon. J. J. Faulk, Austin, Texas.

Dear Sir and Friend: By request of the farmers and citizens of this part of the county I write you in behalf of our citizens, request of your honor as our State Senator, asking of you to do all in your power for the passage of the following bills, to wit: The Bowser bill, taxing insurance companies 2 1/2 per cent of their gross receipts; the Love bill, taxing railroad companies 1 per cent of their gross earnings; the Kennedy bill, which reaches almost every corporation doing business in the State; the Williams intangible assets bill.

Now, Mr. Faulk, we, the farmers and citizens of this part of your county, do earnestly request of you as our State Senator to do all in your power for the passage of these measures. Now, Mr. Faulk, you know that the farmers are burdened all they can bear now with taxation, so please stand for these measures and force the corporations of the State to bear their just part in the

support of the State government. Trusting that you will prove your fidelity to us as our friend by using your great power in favoring the passage of these measures now pending in the State Senate, I trust to your honor, Mr. Faulk, that you will do all in your honorable power to save your farming friends from any more burdens by taxation, so I pray to hear from you in the future.

Yours fraternally,

J. F. WRIGHT.

To the Hon. J. J. Faulk:

We, the undersigned citizens of Cotterwood community, beg that the burden of taxation be not heaped on the common class of people to make up the deficiency in the treasury. We think it would be unjust.

Signed—J. W. Bullard, T. S. Green, N. M. Copprell, W. F. Morton, W. M. Morton, R. L. Tuck, Ed Scarbrough, M. C. White, W. H. Smith, J. H. Hendley, T. G. Wharton, James Frazer, R. S. Wheeler, W. H. Graham, A. Graham, E. R. Bynum, E. Metton, S. D. Graham, James Frazer, Jr., James Graham, G. Y. Gregg, W. G. Roberson, J. M. Graham, L. D. Graham, J. D. Simmons, C. S. Copprell, W. A. Graham, Mark Simmons, D. M. Sauls, John Melton, R. F. Roberson, J. H. Morton, G. G. Graham, W. L. Ballard, George Ballard, Lee Ballard, M. H. Wheeler, A. Hutcheson, T. Hutcheson, J. Hutcheson, I. S. Graham, Lee Cantrell, W. O. Stuart, E. C. Bynum, Wren Bynum, Joe Hendley.

By Senator Chambers:

Posey, Texas, March 17, 1905.

To the Hon. State Senator C. M. Chambers, Austin, Texas.

Sir: We, the undersigned farmers and citizens of Hopkins county in and around Posey, would respectfully ask that you support the tax measures that originated in the House and protest against any increase in the ad valorem rate of taxation. Respectfully,

Signed—J. T. Hathaway, B. O. Palmer, D. C. Faison, J. T. McCasland, T. D. Vandigriff, J. T. Glosup, Murphy Davis, L. Posey, J. W. Smiddy, J. W. Compton, Claud Connell, J. D. Brice, A. A. Jenigan, J. H. Connell, Sam Day, Collins Williams, S. Bartlett, Dall Campbell, S. J. Arnold, W. C. Glossup, T. A. Glossup, John H. Halloway, J. I. Vandergriff.

INVITATION.

By Senator Barrett:

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Dear Sir: I desire to extend to
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yourself and to the honorable members of the Senate a special invitation to visit the University of Texas on Thursday afternoon next to inspect the grounds, buildings, library, lecture rooms, laboratories, museums, and particularly the collections of Texas woods and Texas minerals. Special cars will be provided at the head of the avenue and adjoining the Capitol grounds at 2:30 p. m. to convey the members of the Senate to and from the University.

Sincerely yours,

WM. L. PRATHER,

President.

The invitation was accepted.

EXCUSED.

On motion of Senator Faulk, Senator Glasscock was excused from attendance upon the senate for Monday and yesterday on account of business.

Morning call concluded.

SENATE BILL NO. 293—PASSAGE OF.

On motion of Senator Holland the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 293.

The Chair laid before the Senate on second reading

Senate bill No. 293, a bill to be entitled "An Act to amend Article 642 of Chapter 130 of the Acts of the Regular Session of the Twenty-fifth Legislature, entitled 'An Act to amend Articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, relating to corporations,' and to add to said Article 642 a new subdivision to be known as Subdivision 64, providing for the organization of companies for constructing, operating and maintaining causeways, or causeways and bridges, with authority to borrow money and issue bonds without the amount of such issue being limited by the provisions of Article 653 of the Revised Civil Statutes of the State of Texas."

On motion of Senator Holland the committee report, which recommended a substitute bill, was adopted.

Bill read second time and ordered engrossed. On motion of Senator Holland the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Grinnan.	Paulus.
Hanger.	Skinner.
Harbison.	Stokes.
Hawkins.	Stone.

Absent.

Barrett.	Smith.
Beaty.	Stafford.
Griggs.	Terrell.
Hale.	Willacy.
Harper.	

The bill was read third time, and passed by the following vote:

Yeas—23.

Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Grinnan.	Paulus.
Hanger.	Skinner.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	

Absent.

Barrett.	Smith.
Beaty.	Stafford.
Griggs.	Terrell.
Hale.	Willacy.

Senator Holland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 255—PASSAGE OF.

On motion of Senator Decker the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 255.

The Chair laid before the Senate on second reading,

Senate bill No. 255, a bill to be entitled "An Act to authorize the county commissioners court to close up the streets and alleys of territory or lands which are contiguous and uninhabited, whether included within the corporate limits of said cities, towns or villages, and declaring an emergency."

Senator Decker offered the following amendment, which was adopted:

Amend the printed bill by striking out all of Section 1 after the word "closed" in line 19.

Bill read second time and ordered engrossed.

On motion of Senator Decker the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Willacy.
Hawkins.	

Absent.

Beaty.	Smith.
Griggs.	Stafford.
Hale.	Terrell.

The bill was read third time, and passed by the following vote:

Yeas—24.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hanger.	Stokes.
Harbison.	Stone.
Hawkins.	Willacy.

Absent.

Beaty.	Smith.
Griggs.	Stafford.
Hale.	Terrell.
Harper.	

SENATE BILL NO 275— REFUSED TO TAKE UP.

Senator Chambers moved that the pending order of business, Senate bill No. 22, be suspended, and the Senate take up, out of its order, Senate bill No. 275.

The motion was lost by the following vote.

Yeas—12.

Chambers.	Harper.
Decker.	Holland.
Faulk.	Skinner.
Glasscock.	Stokes.
Hanger.	Terrell.
Harbison.	Willacy.

Nays—14.

Barrett.	Hill.
Brachfield.	Looney.
Davidson.	Martin.
Faust.	McKamy.
Grinnan.	Meachum.
Hawkins.	Paulus.
Hicks.	Stone.

Absent.

Beaty.	Smith.
Griggs.	Stafford.
Hale.	

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.
Austin, Texas, March 22, 1905.

Hon. George D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 116, a bill to be entitled "An Act to amend Sections 1, 2 and 3, and adding thereto Section 4 of Chapter 50 of the General Laws of Texas, passed at the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to prohibit the buying and selling of pools, or receiving or making bets on horse racing; to prohibit leasing of premises for pool-rooms, and to provide a penalty for its violation.'"

Also the House concurs in Senate amendments to House bill No. 217.

Also that the House concurs in Senate amendments to House concurrent resolution No. 17.

Also the House concurs in Senate amendments to House bill No. 397.

House refuses to concur in Senate amendments to House bill No. 251 and asks for free conference committee.

Respectfully,
MARK LOGAN,
Acting Chief Clerk, House of Representatives.

SENATE BILL NO. 22—PENDING BUSINESS.

Action recurring on Senate bill No. 22, pending business from yesterday morning.

Question being on the pending amendment by Senator Hawkins,

By consent, Senator Hawkins withdrew the amendment and offered the following amendment instead:

Amend the bill by adding Article 749b as follows:

Art. 749b. Any corporation, foreign or domestic, doing business in the State of Texas, and engaged in the sale, production, manufacture or distribution of any commodity in general use, that shall discriminate between different sections, communities or cities of this State, by selling such commodity at a lower rate in one section, community or city than is charged for such commodity in another section, community or city, after equalizing the distance from the point of production, manufacture or distribution and freight rates therefrom shall be deemed guilty of unfair discrimination.

Each and every corporation which shall in any manner violate the provisions of this law shall for each and every day that such violation shall be committed, or continued, forfeit and pay the sum of five hundred dollars (\$500.00) which may be recovered in the name of the State of Texas in any county where such offense is committed, where either of offenders reside, or in Travis county, and it shall be the duty of the Attorney General or of the District or County Attorney to prosecute and recover the same.

Any corporation holding a charter under the laws of the State of Texas which shall violate any of the provisions of this law shall thereby forfeit its charter and its franchises, and its corporate existence shall cease and determine.

Every foreign corporation violating any of the provisions of this act is hereby denied the right and prohibited from doing business in the State, and it shall be the duty of the Attorney General to enforce this provision by injunction or other proper proceedings in the district court of Travis county or any county having jurisdiction, in the name of the State of Texas.

And amend the caption by adding thereto as follows: "and adding Article 749b, prohibiting and punishing discriminations."

Senator Skinner offered the following amendment to the amendment:

Amend the amendment by substituting the word "unlawful" for the word "unfair."

The amendment to the amendment was adopted, and the amendment as amended was then adopted.

(Senator Willacy in the chair.)

Senator Grinnan offered the following amendment:

Amend by adding after Article 749, on page 14, the following:

Article 749c. If any person shall directly or indirectly solicit, transact or carry on any business in this State for or on behalf of any corporation not authorized to do business in this State, or shall for or claiming to represent any such corporation, take or receive any money from another in this State, or do or perform any other act or thing in the making or consummating any contract for any such corporation, he shall be punished by fine not less than five hundred nor more than one thousand dollars, provided this shall not apply to citizens of this State who represent such corporations in the adjustment or settlement of contracts made prior to the passage of this Act; and any person violating this Act may be prosecuted in any county in which the offense is committed or the county in which the person resides with whom such business is transacted, or from whom such money is received, and that caption be amended so as to conform herewith.

The amendment was adopted.

Senator Hill offered the following amendment:

Amend the bill by inserting "17" between the word "sections" and the numerals 21, at line 12, page 4; also by inserting the numerals 17 before the numerals 29, in line 16, page 4, and amend the caption to conform.

The amendment was adopted.

Senator Davidson offered the following amendment, which was adopted:

Amend the bill by striking out the words "created to accumulate and loan money," in lines 15 and 16, page 4, of the bill.

Senator Faulk offered the following amendment, which was adopted:

Amend by adding after the word "stockholder," line 1, page 9, the following: "and to any and all persons authorized by law."

Senator Hicks offered the following amendment, which was adopted:

Amend the caption to add thereto, and the end of the caption the following: "and to repeal Article 717, Chapter 12, of Title XXI, Revised Civil Statutes of 1895;" and add after the figures 749a, line 22, page 3, the following: "and by repealing Article 717, Chapter 12, of Title XXI, of Revised Civil Statutes of 1895;" and by adding at the end of the bill as amended the following: "That Article 717, Chapter 12, of Title XXI, of the Revised Civil Statutes of 1895, be, and the same is hereby repealed."

Senator Looney offered the following amendment, which was adopted:

Amend the enacting clause so as to conform to all amendments adopted.

Bill read second time and ordered

engrossed. On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Decker.	Smith.
Hale.	Stafford.
Harbison.	

The bill was read third time and passed.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 296—PASSAGE OF.

On motion of Senator Barrett, the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, Senate bill No. 296.

The Chair laid before the Senate, on second reading,

Senate bill No. 296, a bill to be entitled "An Act to make appropriation of \$3700 for necessary improvements at the Confederate Home, and declaring an emergency."

Bill read second time, and ordered engrossed. On motion of Senator Barrett, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yas—26.

Barrett.	Glasscock.
Beaty.	Griggs.
Brachfield.	Grinnan.
Chambers.	Hanger.
Davidson.	Harper.
Faulk.	Hawkins.
Faust.	Hicks.

Hill.	Paulus.
Holland.	Skinner.
Looney.	Stokes.
Martin.	Stone.
McKamy.	Terrell.
Meachum.	Willacy.

Absent.

Decker.	Smith.
Hale.	Stafford.
Harbison.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Decker.	Smith.
Hale.	Stafford.
Harbison.	

Senator Barrett moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE JOINT RESOLUTION NO. 4. PASSAGE OF.

On motion of Senator Stone, the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, Senate joint resolution No. 4.

The Chair laid before the Senate, on third reading,

Senate joint resolution No. 4, "to amend Section 2 of Article VIII of the Constitution of the State of Texas, relating to certain exemptions from taxation."

Senator Stone offered the following amendment:

Amend by adding after the word "learning," in line 19, page 1, the following: "and religious."

The amendment was adopted by the following vote:

Yeas—25.

Barrett.	Brachfield.
Beaty.	Chambers.

Davidson.	Holland.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hanger.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
Hill.	

Absent.

Decker.	Looney.
Hale.	Smith.
Harbison.	Stafford.

The resolution was read third time and passed by the following vote:

Yeas—27.

Barrett.	Harper.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Hanger.	Willacy.
Harbison.	

Nays—1.

Martin.

Absent.

Looney.	Stafford.
Smith.	

Senator Stone moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.
Austin, Texas, March 22, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House joint resolution No. 11, by the Legislature, to amend the Constitution of the State of Texas, by adding to Article V thereof Section 5a; also that the House has adopted the Free Conference Committee report to House bill No. 87.

Also the House concurs in Senate

amendments to House bill No. 520; also

Senate bill No. 68, a bill to be entitled "An Act to amend Articles 146 and 152, of Chapter 2, Title IX, of the Revised Statutes of the State of Texas, so as to provide for monthly meetings of the Boards of Trustees of the State Asylums, and allow pay therefor."

Respectfully,

MARK LOGAN,

Acting Chief Clerk, House of Representatives.

HOUSE BILL NO. 47—PASSAGE OF.

On motion of Senator Stokes, the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, House bill No. 47.

The Chair laid before the Senate, on third reading,

House bill No. 47, a bill to be entitled "An Act to amend Article 338, Title IX, Chapter 4, of the Penal Code of the State of Texas, as amended by the Acts of the Twenty-fifth Legislature, page 24, relating to carrying arms," amending the law so as to include any knife, the blade of which exceeds four inches in length, and increasing the punishment by making it a fine of not less than one hundred dollars nor more than two hundred dollars, and by confinement in the county jail not less than thirty days nor more than twelve months.

The bill was read third time, and passed by the following vote:

Yeas—20.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Martin.
Chambers.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Harper.	Terrell.
Hicks.	Willacy.

Nays—8.

Davidson.	Hanger.
Decker.	Harbison.
Glasscock.	Hawkins.
Hale.	Stone.

Absent.

Looney.	Stafford.
Smith.	

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 286—PASSAGE OF.

On motion of Senator Davidson, the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, Senate bill No. 286.

The Chair laid before the Senate, on second reading,

Senate bill No. 286, a bill to be entitled "An Act to amend Chapter 3, Title IX, of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 846a."

Senator Davidson offered the following amendment, which was adopted:

Amend by adding after the word "penitentiary" the following: "or in case the conviction is for a misdemeanor and the trial is before the judge without a jury, then the court can make said orders without the recommendation of any jury."

Senator Faulk offered the following amendment, which was adopted:

Amend line 13, page 1, by striking out the words "the penitentiary," and add in lieu thereof the following: "the State reformatory."

Senator Davidson offered the following amendment, which was adopted:

Amend the bill by adding after the word "not," in line 12, page 1, the following: "for a."

Senator Davidson offered the following amendment, which was adopted:

The importance of this Act to the people of Texas and the crowded condition of the calendar creates an emergency and imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Bill read second time and ordered engrossed. On motion of Senator Davidson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Grinnan. Stafford.
Smith.

The bill was read third time and passed by the following vote:

Yeas—27.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Harper.	

Absent.

Grinnan. Smith.
Holland. Stafford.

Senator Davidson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 509—PASSAGE OF.

On motion of Senator Skinner, the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, House bill No. 509.

The Chair laid before the Senate, on third reading,

House bill No. 509, a bill to be entitled "An Act to incorporate the city of Cleburne, in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs."

The bill was read third time and passed.

Senator Skinner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 160—PASSAGE OF.

On motion of Senator Harper, the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, Senate bill No. 160.

The Chair laid before the Senate, on second reading,

Senate bill No. 160, a bill to be entitled "An Act to amend Articles 644 and 647, Title VIII, Chapter 2, of the Code of Criminal Procedure of Texas, relating to special venires in capital cases."

Senator Harper offered the following amendment, which was adopted:

"Sec. 2. That the large amount of business remaining to be disposed of at this session and the public benefit to be derived from the passage of this act creates an imperative public necessity and emergency for authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each House, and such rule is hereby suspended, and it is hereby enacted that this act shall take effect and be in force from and after its passage."

Bill read second time and ordered engrossed.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faust.	McKamy.
Glasscock.	Paulus.
Griggs.	Stokes.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Harper.	

Nays—5.

Faulk.	Meachum.
Hale.	Skinner.
Hawkins.	

Absent.

Decker.	Stafford.
Smith.	

Senator Davidson offered the following amendment:

Amend the bill by striking out all in lines 17, 18, 19 and 20, after the word "trial," in line 17 of the bill.

Senator Hawkins offered a substitute for the amendment, but same was held not germane as a substitute.

The amendment was adopted by the following vote:

Yeas—24.

Barrett.	Chambers.
Beaty.	Davidson.
Brachfield.	Faulk.

Faust.	Hill.
Glasscock.	Looney.
Grinnan.	Martin.
Hale.	McKamy.
Hanger.	Meachum.
Harbison.	Paulus.
Hicks.	Skinner.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Decker.	Stafford.
Griggs.	Stokes.
Holland.	Stone.
Smith.	

Senator Faulk offered the following amendment:

Amend by adding after the word "trial," in line 17, the following, "Or on the day the case is set for trial."

The amendment was lost by the following vote:

Yeas—16.

Barrett.	Hale.
Beaty.	Hawkins.
Brachfield.	Hill.
Chambers.	McKamy.
Davidson.	Meachum.
Faulk.	Stone.
Glasscock.	Terrell.
Griggs.	Willacy.

Nays—11.

Faust.	Looney.
Grinnan.	Martin.
Hanger.	Paulus.
Harbison.	Skinner.
Harper.	Stokes.
Hicks.	

Absent.

Decker.	Smith.
Holland.	Stafford.

The bill was read third time, and passed.

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 120—REFUSED TO TAKE UP.

Senator Glasscock moved that the pending order of business (House bill No. 46) be suspended, and the Senate take up, out of its order, Senate bill No. 120.

The motion was lost by the following vote:

Yeas—9.

Barrett.	Glasscock.
Brachfield.	Grinnan.

Hanger.	Paulus.
Looney.	Skinner.
Martin.	

Nays—18.

Beaty.	Hawkins.
Chambers.	Hicks.
Davidson.	Hill.
Faulk.	McKamy.
Faust.	Meachum.
Griggs.	Stokes.
Hale.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Decker.	Smith.
Holland.	Stafford.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, March 22, 1905.

Hon. George D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 522, a bill to be entitled "An Act to create a more efficient road system for Lamar county, Texas," with engrossed rider.

House bill No. 164, a bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown gall, black knot or any tree, shrub or plant infested with or by San Jose scale or other contagious, injurious or destructive pest; and declaring such affected and infected trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture, Insurance, Statistics and History to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected and infested trees treated; and providing the manner of such destruction and treatment, and for an investigation by the Commissioner of Agriculture, Insurance, Statistics and History when he believes, or has reason to believe, that any of such diseases or pests may exist in this State, and providing the manner of combating such diseases and pests, and the prevention of their spread and dissemination; providing for the examination of nurseries and giving certificates to that effect; regulating the importation of trees, shrubs and plants from without the State; forbidding the selling, consigning or shipping of nursery stock without such certificates; providing for the fumigation of certain trees, shrubs and plants; providing penalties, and mak-

ing an appropriation, and declaring an emergency," with engrossed rider.

Respectfully, MARK LOGAN,
Acting Chief Clerk, House of Representatives.

SENATE BILL NO. 66—PASSAGE OF.

On motion of Senator Paulus, the pending order of business, House bill No. 46, was suspended, and the Senate took up, out of its order, Senate bill No. 66.

The Chair laid before the Senate on second reading,

Senate bill No. 66, a bill to be entitled "An Act to amend Section 53, of Article 642, Chapter 2, Title XXI, of the Revised Statutes of Texas, and declaring an emergency."

The committee report was adopted, which recommended a committee bill.

Senator Looney offered the following amendment, which was adopted:

Amend the bill by adding to the word "length," line 20, as follows: "Provided that a corporation formed hereunder shall issue no stocks or bonds, except such as are authorized by the Railroad Commission under the provisions of the stock and bond law of this State."

Senator Faulk offered the following amendment:

Amend by striking out all after the word "commission," line 18, page 1.

Senator Glasscock raised a point of order that the amendment should reproduce the whole article.

The point was overruled.

The amendment was adopted, and after consideration, Senator Faulk moved to reconsider the vote by which the amendment was adopted.

The motion was adopted and he withdrew the amendment.

Bill read second time and ordered engrossed.

On motion of Senator Paulus the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Decker.	Smith.
Griggs.	Stafford.
Holland.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harper.	Willacy.

Present—Not Voting.

Meachum.

Absent.

Decker.	Holland.
Griggs.	Smith.
Harbison.	Stafford.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 184—PASSAGE OF.

On motion of Senator Terrell, the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, Senate bill No. 184.

The Chair laid before the Senate, on second reading,

Senate bill No. 184, a bill to be entitled "An Act to remit penalties on certain patents and to authorize the Commissioner of the General Land Office to deliver to the owner of the land the patent therefor upon payment of patent fee."

Bill read second time and ordered engrossed. On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Brachfield.
Beaty.	Chambers.

Davidson.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Grinnan.	Paulus.
Hale.	Skinner.
Hanger.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
Hill.	

Absent.

Decker.	Holland.
Griggs.	Smith.
Harbison.	Stafford.

The bill was read third time, and passed by the following vote:

Yeas—26.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harper.	Willacy.

Absent.

Decker.	Smith.
Harbison.	Stafford.
Holland.	

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.
Austin, Texas, March 22, 1905.

Hon. Geo. D. Neal, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 186, a bill to be entitled "An Act to amend the charter of the City of El Paso, entitled 'An Act to incorporate the City of El Paso and grant it a new charter, approved March 2, 1889, as amended by an Act entitled 'An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142 of an Act entitled 'An Act to grant a new

charter to the City of El Paso,"' became effective April 26, 1889, and the Acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, and fixing the time of holding elections, passed at the regular session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements and paying the cost of the same, by adding to said city charter of the City of El Paso Section 148a, inclusive, and by repealing all laws and parts of laws in conflict with such added sections, and to declare an emergency," with amendment.

Respectfully,

MARK LOGAN,

Acting Chief Clerk, House of Representatives.

HOUSE BILL NO. 243—PENDING BUSINESS.

On motion of Senator Hicks the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, House bill No. 243.

The Chair laid before the Senate on second reading,

House bill No. 243, a bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas to place switch lights on all their main line switches and to keep the same lighted from sunset until sunrise, and requiring all railway corporations operating a line of railway in the State of Texas to place derailing switches on all their sidings connected with the main line, and upon which sidings cars are left standing, and providing penalties and remedies for the violation of any of the provisions of this act, and declaring an emergency."

Senator Skinner offered the following amendment:

Amend by adding after the last word in line 27, page 1, the following: "Provided that this section of this act shall not apply to railways which have all their road locomotives equipped with electric headlights."

Senator Hicks moved to table the amendment, and

That motion was lost by the following vote:

Yeas—10.

Barrett.	Hanger.
Brachfield.	Hawkins.
Chambers.	Hicks.
Decker.	Hill.
Grinnan.	Martin.

Nays—12.

Beaty.	McKamy.
Davidson.	Meachum.
Faulk.	Skinner.
Faust.	Stone.
Griggs.	Terrell.
Harper.	Willacy.

Absent.

Glasscock.	Paulus.
Hale.	Smith.
Harbison.	Stafford.
Holland.	Stokes.
Looney.	

The amendment was then adopted.

Senator Skinner moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Terrell offered the following amendment:

Amend the bill by adding to Section 1 the following: "Provided the provisions of this section shall not apply to switches and spurs located outside of the depot, yard and station grounds in any town or city."

SENATE BILL NO. 186—HOUSE AMENDMENTS CONCURRED IN.

Senator Hill called up

Senate bill No. 186, a bill to be entitled "An Act to amend the charter of the city of El Paso, entitled 'An Act to incorporate the city of El Paso and grant it a new charter,' approved March 2, 1889, as amended by an act entitled 'An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142, of an act entitled 'An Act to grant a new charter to the city of El Paso,' became effective April 26, 1889, and the acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, and fixing the time of holding elections, passed at the regular session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements and paying the cost of the same, by adding to said city charter of the city of El Paso Section 148a, inclusive, and by repealing all laws and parts of laws in conflict with such added sections, and to declare an emergency."

And moved that the Senate concur in the following House amendment:

Committee Amendment—Amend by adding after the word "annual," at the end of Section 148a, page 4, the following: "In addition to the two dollars on the hundred dollars valuation per-

mitted to be levied by Section 93 of this charter."

The motion was adopted by the following vote.

Yeas—22.

Barrett.	Harper.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Skinner.
Glasscock.	Stone.
Griggs.	Terrell.
Hanger.	Willacy.

Absent.

Grinnan.	Paulus.
Hale.	Smith.
Harbison.	Stafford.
Holland.	Stokes.
Looney.	

FREE CONFERENCE COMMITTEE APPOINTED.

The Chair here announced the appointment of the following as a Free Conference Committee on part of the Senate on House bill No. 251: Senators Brachfield, Terrell, Chambers, Martin and Looney.

BILLS READ AND REFERRED.

The Chair (Senator Willacy) had read and referred, after their captions had been read, the following House bills:

House bill No. 116, to Judiciary No. 2.

House joint resolution No. 11, to Constitutional Amendments.

House bill No. 522, to Roads, Bridges and Ferries.

House bill No. 164, to Insurance, Statistics and History.

SENATE BILLS SIGNED BY THE CHAIR.

The Chair (President Pro Tem. Hanger) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 235, "An Act to authorize, enable and permit the territory situated within the bounds of the city of Lancaster, in the county of Dallas, and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school

district for free school purposes only, to be known as the 'Lancaster Independent School District,' with all the rights, powers and duties of independent school districts, formed by incorporation of towns and villages for free school purposes only."

Senate bill No. 62, a bill to be entitled "An Act to amend Article 34, Penal Code of Texas, permitting persons under the age of nine years to be punished for the offense of perjury."

HOUSE BILLS SIGNED BY THE CHAIR.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read.

House bill No. 190, a bill to be entitled "An Act to authorize and require the Attorney General to bring suits for the value of timber destroyed, used and otherwise appropriated by persons and corporations on public free school, University, asylum and other public lands of the State; to fix the venue of said suits; to require the Commissioner of the General Land Office and county attorneys to report to the Attorney General, and to fix compensation of said officers for said services."

House bill No. 39, a bill to be entitled "An Act to regulate the sale of cocaine and other drugs," etc.

(President Pro Tem. Hanger in the chair.)

RECESS.

On motion of Senator McKamy, the Senate took a recess until 7:30 o'clock p. m.

AFTER RECESS.

The Senate was called to order with President Pro Tem. Hanger in the chair.

The Senate stood at ease until 8 o'clock.

At 8 o'clock the Senate repaired to the Hall of the House of Representatives, there to act in Joint Session with the House in the memorial services of the late Hon. John H. Reagan.

IN JOINT SESSION.

The honorable Senate of Texas was announced at the bar of the House, and accompanied by C. H. Allen, Sergeant-at-Arms; W. E. De Lamar, As-

sistant Secretary, and R. M. Gilmore, Journal Clerk, advanced into the hall and were assigned to seats prepared for them.

The Speaker announced that the Senate and House were now in joint session for the purpose of holding memorial services in memory of the late Hon. John H. Reagan.

President Pro Tem. Hanger directed a roll call of the Senate and the following Senators answered to their names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Harper.	

Absent.

Smith.	Stafford.
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Speaker Pro Tem. Robertson directed the Clerk to call the roll of the House, and the following members answered to their names:

Alderdice.	Crockett.
Ayars.	Daniel.
Barcus.	Daugherty.
Bartholomew.	Davis of Falls.
Beaty.	Davis
Bennett.	of San Augustine
Bertram.	Davis
Black.	of Williamson.
Blalock, E. B.	Dean.
Blalock, W. M.	Dimmitt.
Blalock of Wood.	Dodd.
Blanton.	Edwards.
Blount.	Elliott.
Bowser.	Ellison.
Browne of Karnes.	Fitzhugh.
Brown of Kaufman.	Foree.
Brown of Wharton.	Fountain.
Bryan of Harris.	Gafford.
Bryan of Taylor.	Gilliam.
Bryant.	Glenn.
Burnett.	Graham.
Byrne.	Gray.
Cable.	Gunn.
Callan.	Hagan.
Canales.	Hall.
Carswell of Panola.	Hamilton.
Carswell of Wise.	Hancock.
Chapman.	Harris.
Chesley.	Hays.
Cottrell.	Heslep.
Cranke.	Hill.
Crisp.	Holmes.

Holsey.	Ramsey.
Hoskins.	Rice.
Hudspeth.	Rieger.
Johnson.	Robertson.
Kennedy.	Sanders.
Kubena.	Sevier.
Kyle.	Shannon.
Love of Dallas.	Sharpe.
Love	Shelby.
of Williamson.	Smith.
Low.	Soward.
Marsh.	Sperry.
Mason.	Stavinoha.
Masterson.	Terrell
Mays.	of McLennan.
McClellan.	Terrell of Travis.
McFaddin.	Terry.
McKenzie.	Thomas, J. A.
McKinney.	Thompson.
Mears.	Timon.
Miller.	Von Rosenberg.
Moran.	Ward.
Murray of Collin.	Ware.
Murray of Wilson.	Webb.
Myrick.	Werner.
Nelms.	Williams.
O'Bryan.	Wilmeth.
O'Quinn.	Wilson.
Onion.	Winter.
Peeler.	Witcher.

Absent—Excused.

Anthony.	Haltom.
Brelsford.	James.
Cobbs.	O'Neal.
Douglass.	Thomas, Rosser.
Egan.	Witherspoon.
Greenwood.	Woods.

The respective presiding officers announced a quorum of each House present.

Prayer by Rev. Dr. J. W. Lowber of Austin, Texas.

Speaker Pro Tem. Robertson here introduced Governor Lanham to the joint session, who said:

"Mr. Speaker, Mr. President, Gentlemen of the Legislature, Ladies and Gentlemen:

"Upon the death of Abner, King David said 'Know ye not that a prince and a great man is fallen this day in Israel?' If it were appropriate in those ancient days to pay tribute to departed great men how much the more becoming is it that we, in the morning of the Twentieth century and in the light of modern civilization, should bestow our commendation upon the illustrious characters and distinguished careers of our eminent men who are so rapidly passing away.

"In the death of Judge Reagan we have lost a great and historic man, known, beloved and admired throughout the Union and especially all over the Southland. He displayed in his life and work as much, if not more, of the possibilities of typical American

manhood contending with adverse conditions as is exhibited in the course and conduct of any character in our history. He was born and reared at a time when the advantages enjoyed by the youth of the present day were not allowed him. His opportunities for acquiring an education were limited, and his surroundings were unpropitious; but he overcame every unfavorable environment and soon discovered that energy and those qualities which go to make up a splendid manhood. He had insistent courage and unwavering determination in a marked degree, and early in life he laid the foundations deep and strong upon which he built the superstructure of a magnificent career. Removing in his youth to Texas, it was not long before he impressed himself upon those with whom he came in contact. He was a man of mark from the very beginning. His official record began at the bottom, but round by round he mounted the ladder of public position until he reached the heights of honorable preferment. He filled with distinction every station he was called to occupy. No ordinary man could have accomplished what Judge Reagan did. He was essentially a great and resourceful man, always honest, ever resolute and steadily faithful in the discharge of duty. He was loyal to principle and true to the people. He never faltered in the advocacy of their cause, but ever stood firm and steadfast in favor of their rights. If I were asked to define the chief element of his success as a public man, I would say it was his sincere devotion to the people and his clear, correct and always avowed convictions of the scope and purpose of popular government. He understood as well as any man of his times American institutions and their great underlying principles, and never wavered in their vindication. He has well been called the great commoner and tribune of the people. I think the ablest contribution he ever made to political history was the letter written by him within prison walls to President Johnson in behalf of President Davis. It seems to me that no impartial critic can read that wonderful production without being impressed with its accurate statement and profound philosophy. It is entitled to rank among the foremost documents in connection with the Civil War.

"In the Congress of the United States he enjoyed the confidence and affectionate regard of his political associates and by his manly and consistent course won the respect of those who were aligned in opposition to his creed and practice. His speeches on great public questions were appreciated by all and will endure as valuable

utterances in the discussion of the measures and policies that agitated the public mind, engaged legislative consideration and attracted popular attention during the entire period of his long and useful Federal service. That he has done his work worthily and well in behalf of his State and the Union can be safely affirmed—that his record is a conspicuous and stainless one is universally recognized, and that he died full of honors, leaving to his family and friends the priceless heritage of a good name, we can all attest. In every walk and calling, in private and in public life, he was always where 'only a man was wanted and only a man was found.'

"His relations to the Confederacy made him a unique personage, and the fact that he was the last of the Confederate Cabinet attached to him an extraordinary interest. When Charles Carrol of Carrolton, the last of the signers died, a country's tears and a country's honors did him reverence. Now that the last of the great men who presided over the destinies of the Confederacy is gone, it is but natural and proper that we of the Southland should in every suitable way testify and give public expression of our love and veneration for him. He long survived his associates in council. Davis and Stephens and Benjamin and Breckenridge and Mallory and Meminger and Watts and Walker and Toombs and Hunter and Randolph and Seddon all yielded to the ultimate appointment of mankind and 'went the way of all the earth,' and yet John H. Reagan was, in the Providence of Almighty God, permitted to linger on the shores of time and have preserved unto him to the very last his vigorous and comprehensive intellect. It was allotted to him to live four score and six years.

"And thou too hast gone, O patriot and statesman, but though dead thou has left thy indelible impress upon the history of thy country, and won the unfading love of millions of as pure and noble men and women as ever lived or died! We have laid thee away to rest until the Resurrection, but the good thou hast done will live after thee! While 'memory clings to aught below,' we shall cherish thy name and character.

"It gratifies me to be able to say that for many years I enjoyed the privilege of an intimate acquaintance with Judge Reagan. He did me the honor to bestow upon me his friendship and confidence, and this came at a time when it was exceedingly useful to me to be the beneficiary of his advice and kindly offices. I am glad that opportunity was afforded me during his lifetime to give public expression in his presence of the high estimate in which

I held him. I could say nothing more of him dead than I testified of his exalted character while he was living. I shall preserve as long as I live some of the good words he affirmed of me, and shall always remember the friendly interest he manifested towards me. He was indeed my friend and I deplore his death as a personal bereavement.

"A crowning attraction of his life and character is that he was a sincere Christian and exemplified in his 'daily walk and conversation' those virtues which go to constitute a true follower of the great Redeemer. He died in the hope of a blessed immortality. He fought a good fight, he kept the faith, he has finished his course, and has entered upon that reward which awaits the righteous.

"His passing away was calm and peaceful—no long and lingering death-bed illness—but a gentle transition from earth to Heaven.

"How blest the righteous when he dies!

When sinks the weary soul to rest,
How mildly beam the closing eyes,
How gently heaves the expiring
breast!

Life's duty done, as sinks the clay,
Light from its load the spirit flies,
While Heaven and earth combine to
say,

How blest the righteous when he
dies."

Hon. Roger Q. Mills was next introduced by Speaker Pro Tem. Robertson. Mr. Mills said:

"I have come at your invitation to join with you in rendering the honors due to the memory of an illustrious citizen.

"While standing by the open grave of John H. Reagan, my mind ran back to the time when as a boy I stood by the open grave of General Edward Burleson. He was one of the distinguished sons of Texas who had consecrated his life to her service. He was one of that band of peerless heroes who interlaced their arms around her while with bleeding feet she was treading the wine press, and Travis, Bowie, Crockett, Fannin and their companions were pouring their blood on funeral piles. That loving mother still holds them in sacred remembrance, points with maternal pride to their matchless devotion, when she with faltering feet was struggling to ascend the summit where Liberty was standing and crying to her: 'Come unto me and I will dry your tears, heal your wounds, wreath your face with a smile and put a new song in your mouth.' Then she was crying to her children to remember the Alamo, Goliad and San Jacinto, and that cry is still in her mouth.

We call before us all her heroes, those who carried her standards on fields of carnage, then and since. We remember her faithful sons, whether they served her in peace or in war.

"I thought, by that open grave, of the mighty men of that grand tragedy, many of whom I had known, and upon whose words I had hung as under a spell of enchantment when a boy. I asked where are Houston, Rusk, Austin, Bryan Jones, Sherman, Burnett, Lamar, Johnson and the rest? They are sleeping in the warm bosom of that mother where Judge Reagan has gone to pillow his head, and like them to call tears from the eyes of all her children. Texas still remembers the Alamo, and Goliad, and San Jacinto, and she remembers other fields where her sons imitating the heroism of their sires, made her name immortal. She watches with sleepless vigilance over the consecrated dust of her sons and cries to every one who approaches her shrines: 'Put off your shoes from your feet, for the ground whereon you tread is holy.'

"Judge Reagan came to Texas in 1839, when he, like the Lone Star Republic, was just entering upon his career. Texas had just torn the chains of the despot from her limbs. The Alamo, Goliad and San Jacinto were still red with the blood of the stalwart men and headless boys who went boldly to the conflict and laid down their lives that liberty might live from generation to generation—From century to century, till

"'Wrapt in flames, the realms of ether glow,
And heaven's last thunder shakes the earth below.'

"The land was still ringing with the praises of her heroes. He was cast in the same mold as they. He too resolved that his life should be dedicated to her service and began to prepare himself for the work that lay before him.

"It was my fortune to know him before he had a title. We both came to Palestine when it was a village in its first years. We were both accosting the first pages of Blackstone. We were both sons of poverty, sometimes called a stepmother, but always generous and helpful to the son who toils and who while laboring to acquire knowledge labors to keep his feet in the straight and narrow way which is ever lighted and always ascends to higher altitudes. The love for that which which is just and right, sympathy for the poor and needy, and a feeling of kinship to one's fellow men are hereditary. They are

transmitted from sire to son. When they are united to a love for labor, to strong mental and physical endowments in man, he is one of God's noblest works. These are hereditary germs. They were in his mental, moral and physical structure. It is only a question of time when they will come to maturity, but that they will come is as certain as that the fruit and the flower will come to maturity from the bud, and an apple will not produce a prickly pear, nor a rose a thistle. By the unerring law of nature the germ of the apple produces the apple, and that of the rose produces the rose. The germ of the right in the head and heart and the vital energy to develop it never fails to continue its evolution and always from lower to higher altitudes till perfection is attained and the man appears in his maturity and attracts the admiration of his fellow man.

"A great poet has said, 'Some men are born great, some achieve greatness, and some have greatness thrust upon them.' Some men are born with the materials out of which greatness is made and they 'achieve greatness.' Greatness is the product, as the needle in the compass is the product of the ore, and greatness, like the needle, is drawn by a law of nature to the elements from which it is produced. Judge Reagan was born with these materials, physical and moral, in his blood and brain, and greatness came to him by the law of development. What the world calls greatness is a divinity who lives alone on mountain tops. He who seeks her smiles, he who aspires to feel the touch of her hand laid in holy benediction upon his head must know that the ascent is laborious and difficult, and unless he is endowed with the requisite qualities it is impossible. Men may win notoriety, but notoriety is not greatness. Nero and Caligula, Robespierre and Danton, Lafitte and Kidd were known throughout the world, but when they descended to the tomb there were no tears shed on their graves. The tie of kindred which unites man to man, by a freak of nature had never existed, or was so weak that it parted on the first strain.

"There are different grades of greatness, as there are different kinds of fruits and flowers. Some men are endowed with the power to arouse their fellows and cause them to stand before tyrants in defiance of armed despotism and 'to take up arms against a sea of troubles and, by opposing, end them.' John Adams and Patrick Henry stood upon that pinnacle. Jefferson saw the eternal and unchangeable truths upon

which life, liberty and happiness depended, and with a pen—I almost dare to say inspired—wrote the declaration in the blaze of the lightnings and the rolling of the thunders. These truths were engraven in the hearts and memories of our fathers. They were living upon the lips and tongues of the people when young Reagan's eyes first beheld the mountain tops of East Tennessee. They came to our fathers from the hands of Jefferson as the tables came from Sinai to Israel from the hands of Moses. That generation kept them and walked in them more rigorously than did the children of Israel, though they were guided by a pillar of cloud by day and of fire by night. They enjoyed 'life, liberty and the pursuit of happiness,' keeping their feet unerringly in the divine road. They left the priceless legacy to their children and those who come after them to the remotest posterity. Some of their children have kept the commandments, some have wandered and are still wandering, like poor Israel, forgetting the thunders, the burning bush, the pillar of cloud and of fire, and the manna falling from heaven.

"Judge Reagan while laboring for food for his mouth and clothing for his back labored just as assiduously to keep in the right way and never to lose sight of the ark. He sought to know how to secure the treasure purchased during the long and gloomy years that laid between Lexington and Yorktown. He labored to learn how the liberty inherited could be kept and transmitted, how he could aid in the accomplishment of the great work, and how he could ascend the mount where others had stood and hear from the lips of his fellow men 'Well done, good and faithful servant.'

"He labored, labored constantly, labored when others were asleep. I have passed by his humble office late at night, returning with the youths of my own age from the dance or other social gathering, and found his candle still burning. He was there poring over some musty volume that would have put others to sleep. His eyes were burning with the light which strong desire for knowledge kindles. His heart was appealing to the unknown to show him the way, the right way, the way that led up, not down, the way that led to smiles, not tears—the way by which he could contribute the most to his own happiness and to the happiness of others. Looking upon his face the last time I felt I could almost hear the words spoken, not by his mouth, but by his eyes, more than fifty years ago, 'Show me how I can dry one tear, bring one smile upon the face that sorrow has clouded.'

There by that past midnight candle he was going over the pages of the books of his profession, over history, calling for aid on that goddess who reveals herself only to those who seek her with an earnest heart. So earnestly, so persistently was he knocking at her door when all nature was asleep, when the murmur of the beetle was hushed and 'the sentinel stars set their watch in the skies' that his brain soon showed to the world what that struggle had accomplished.

"After more than a thousand years of tyranny, dungeons, gallows, racks and gibbets, when the earth was sodden with human blood, when it was dominated by the most remorseless of all despotisms, the combined despotism of church and state, our fathers had found the way and with heroism and self sacrifice had delivered their country, themselves and their posterity, and on bended knees, with uplifted hands, they called God to witness that they dedicated their country and their posterity to personal, political and religious liberty. They put the brand on the forehead of tyranny and drove it from the land.

"Judge Reagan had heard the history of the struggles of the colonies in his early boyhood, and his heart was prepared for the matchless heroism of the martyrs of Texas. It was the theme of all conversations, not only within but beyond her borders, 'from the Rio Grande's waters to the icy lakes of Maine.' His heart, like that of all Texas, was set on fire. His resolution was taken to add his name to the brilliant roll of those loved by the people of Texas. To accomplish it he had to labor. In a few years his intense studies had filled his brain, and he soon realized the truth of the aphorism that 'knowledge is power.' When his brain was illuminated by the lights which labor had gathered he saw the road and heard a voice saying to him, 'This is the way; walk thou in it.' He was obedient to the heavenly vision. He followed that path as unerringly as the electric current follows the wire, or the stream in its channel follows the law of gravitation. He soon became prominent at the bar and began that remarkable career which lasted so many years. For more than a half century he was employed in one official station or another. From the district bench he went to the Congress of the United States before the Civil War. When Texas seceded from the Union she sent him as one of her representatives to the convention of the Southern States to form the Constitution of the new Union, and when the compact of union was formed she sent him as her representative to the Confederate Con-

gress. Mr. Davis, the President of the Confederate Government, knew him well. He, too, was a nursling from the lap of poverty. He, too, had labored to climb that rugged road that leads to glory and to fame, and he saw in the noble son of Texas the counsellor and the aid he needed. He appointed him to a place in his cabinet, and he was an able and faithful adviser to the President until the flag that bore in its cluster the star that glitters to the name of Texas sank to rise no more and was sleeping with the heroes that made it immortal. God in his providence seemed to have decreed that the States should be reunited, and as that flag must go down it should go with a brilliancy that would attract the wonder and admiration of the world. The soldiers who defended it and covered it and themselves with glory were permitted to return to their homes, but President Davis and his cabinet were locked within the walls of a dungeon. This brutal act was done by President Andrew Johnson. An act which the great heart of Abraham Lincoln would have spurned. Dungeons, when they hold criminals, are dark and repulsive. But when they hold martyrs to liberty they are holy places and are lighted up by flashes from the eyes of a grateful people, and the clanking of the chains on the arms of their chief magistrate only made them love more devotedly the victims who were suffering for them. When the prison doors were opened, when the reunion was consummated and Judge Reagan's disabilities were removed, Texas again took her noble son by the hand and led him to the front and bade him go again and represent her in the Congress of the United States. There he remained unchallenged for many years, and always a conspicuous leader in that body. From the House of Representatives Texas sent him to the United States Senate, the highest honor which she could confer. There, too, he stood in the front rank and was the peer of the ablest and best.

"Having reached that exalted station at the time when the eyes of the nation were fixed upon him, when his party was relying upon his aid and his recognized ability in its efforts to reform the abuses fastened upon the country during the war, he resigned his seat in the Senate to accept the presidency of the Texas Railroad Commission. Every one was astonished. A seat in the Senate was recognized by all as the highest honor a State could bestow on its citizen. Yet he abandoned it to take an humbler position. Why did he do it? There can be but one answer. His judgment told him he could render more and better

service to Texas on the Railroad Commission than on the floor of the Senate. His judgment having decided that fact, his conscience told him it was his duty to Texas who had loved him and had honored him to accept a service for which he was better qualified than any other citizen of the State. Duty was always his guiding star, and where its light fell upon his path he marched without a faltering step.

"Following that mentor, he went from the position of surveyor to the United States Senate, and relinquished that for Railroad Commissioner of his State, and when more than fourscore years had come, with its frailties and its burdens, conscience told him his work for his country was done, and duty to himself and the little group of loved ones that bore his name demanded that he should say farewell to public labors, and he obeyed, while a grateful and loving country said, 'Adieu, faithful servant; rest from your labors.' It is a remarkable thing that any man holding such high stations of honor should maintain himself so long in official position and become each day stronger in the affections of his constituents. Public opinion is sometimes a vacillating quantity. The vast majority of men who occupy official places find it so. But with him it was as constant and true as the needle to the pole. It was to him

"The firm rock that in mid-ocean
braves
The war of whirlwinds and the dash
of waves."

"Why do we see these rare exceptions? What is the power that like a spell holds public confidence and affection? It is the love for the right and the will and the courage to do it in all places and under all circumstances. He had that gift which comes from God. It was in his blood, his brain, and the very marrow of his bones. He had courage of the highest order, moral and physical. When he saw the right he embraced it, and no menace and no peril, either to his person or his position could shake his determination. He never sought difficulties, was not vain of his prowess, but he was the last man to quail in the presence of a foe when a conflict was thrust upon him. When wrong presented itself to him, whether to him personally or officially, his eye did not fall; it grew brighter and burned like that of a lion whose lair was threatened and whose young were imperiled. No threat could awe him from his duty to himself or his country. If danger came

in the discharge of duty he met it and braved it, whether it was to him or to his constituents, and whether it was physical or moral. He had Jefferson's faith that the people had no interest in the wrong but every interest in the right that right and wrong might both go freely to them and with free press and free speech, to exhibit each in its nature the people would accept the right and reject the wrong. But speech and press must not only be free; they must be active. It was so during the long period when his life was filled with executive and legislative labors. He strove to find the right, and having found it, he espoused it, and stood forth to defend it before the tribunal of public judgment. There was something that was whispering with a still, small voice to his soul that God had not created him to live wrong, but right; that it is only necessary to uncover both to present the dark and repulsive features of the one and the bright and charming face of the other; that every interest of men would welcome the right and spurn the wrong. In this faith he lived, and in this faith he died. To say that he was never mistaken in his judgment would be to say that he was not mortal, but to say that at any moment of his life he abandoned the path of honor would be to say that his heart sometimes ceased to beat, his blood to circulate, his lungs to breathe. It would be to say that there are times when the ocean becomes solid and the mountains liquid. It would be to say that nature is a weird phantom and all her laws are dreams. His character was the inevitable evolution of his blood and his brains. He believed that man was endowed with liberty, each man's liberty ending where the next man's liberty began; that each had a right to worship God according to his own convictions of duty; but that he had no right to dictate to another how that duty should be performed. He believed that in the social compact every man was the equal of every other; equal in the enjoyment of its privileges, equal in bearing its burdens. To these great and fundamental principles of free government he clung as the mariner clings to the last spar in the shipwreck. No persuasions, entreaties, enticements or threats could induce him to abandon them. As darker grew the night and louder roared the storm, and heavier broke the billows, the firmer was his grasp, and the more determined was his devotion. These principles he believed were eternal; that they came with man from the hand of God, and he was always ready, willing and able to defend them against every foe, and

woe to him who couched his lance in the lists to assail them. It was this devotion to the right, and the ability to defend it that elevated him to that lofty eminence where he stood like Saul among the embattled warriors of Israel from his shoulders and upward higher than all the host. It was this devotion to the right that won and held the hearts of all the people of Texas, and made the tears fall from their eyes when 'God's finger touched him and he slept.'

'It is said that 'coming events cast their shadows before.' His eyes saw those shadows, and among his last utterances to the people of Texas is a warning against the dangers that are gathering around the citadel of their liberties. He saw the army in fancied security asleep in its camp, its sentries asleep at their posts of duty, and the enemy advancing with noiseless step to scale its walls and reduce to ruin the splendid structure erected to liberty by the sacrifices and sufferings of a heroic ancestry. God grant that before it is too late some sentry may awake and cry: 'Auvergne the foe;' arouse the garrison that is crowded together in serried ranks; may seize its consecrated standard blazing with the words, 'Eternal vigilance is the price of liberty,' and repel the vandal from our gates and that this land may continue to be 'the land of the free and the home of the brave.'

'There is something in the death of Judge Reagan that attracts our attention. As I stood by his bier I saw near it a table upon which laid an open book, just as in his last hours he placed it there. It was a history of Texas. Looking at the page and scanning a few lines, I saw that his last thoughts were of the early days of that most remarkable, most heroic history of a people who were marching over altars of sacrifice and funeral piles to rend the chains of slavery and dedicate this land to liberty.

'It is one of the peculiar traits of the human mind that when some strong affection has been stamped upon it and carved, as it were by an engraver's tool, deep in its surface it lives when all other memories have fled. It lives when the brain is disorganizing and dying, when the soul is pluming its wings for its flight; when speech is incoherent, interrupted and broken; when there is only life enough to show where lingered the last and strongest passion when the soul bade its adieu to the body. Napoleon, a prisoner at St. Helena, far from the France which he loved and which loved him in return; France, whose armies he had commanded and covered with glory,

when struggling with the combined armies of Europe, when death came and while his mind was wandering he was on the field dictating an order. He said: 'Head of the army,' and his soul had said 'adieu.' Adams and Jefferson died on the same day. Adams was the Aaron and Jefferson the Moses who led the people on that long march which began with dependent colonies and ended with independent States. One was the power with the tongue, the other with the pen. When death came the first touch obliterated everything but the revolution. Adams' last words were, 'Jefferson still survives.' Jefferson's last words, while his mind was yet clear, were 'this is the Fourth of July,' and his soul took its flight while he was warning the committee on public safety to be on their guard. Both of them had gone back fifty years and whether in Massachusetts or Virginia were kneeling once again at Liberty's shrine when the messenger touched them and said, 'Come up thither and I will show thee the things which must be hereafter.'

"Stonewall Jackson died ordering Hill's corps into action, and doubtless seeing that gallant command as usual carrying victory wherever its standard floated, and its legions wearied with the fatigues of the march—said, 'Let us cross over the river and rest under the shade of the trees.' General Houston's last words were 'Texas, Texas.' One word repeated, that was all. What a volume they were unfolding to him. At one moment he heard the words of defiance of Travis, from the walls of the Alamo, at another the call of Bowie to carry him on his bed of illness to the front, and at another the ring of the sword of the mighty Crockett, who built about him a wall with the bodies of Mexicans who fell to his trusty blade. Again, he was at Goliad with Fannin, and looking at the school boys under Shackelford from Georgia, Alabama and Texas, when all was lost, standing in line like martyrs ready for the sacrifice and lifting their voices in harmony and singing:

"Mid pleasures and palaces tho' we may roam,
Be it ever so humble there's no place like home.

A charm from the sky seems to hallow us there,

Which sought through the world is ne'er met with elsewhere.'

In a moment he is again at San Jacinto listening to the music with which his Texans welcomed Santa Anna to the field:

"Will you come to the bower
I have shaded for you,
Your bed shall be roses
Bespangled with dew.

"And then as the messenger hastened his departure, the last power of utterance was paralyzing, the last light was fading away when he said, 'Texas, Texas,' and his soul had passed to that mysterious realm where each shall take his chamber in the silent halls of death.

"While we are paying a tribute to the memory of the distinguished son of Texas whose last thoughts were fixed upon her; whose last throbs of affection was for her; whose life was spent for the advancement of her welfare; let us not forget the love that Texas owes to him. Let the love we now feel for him be kept strong in our hearts, and let our memories of him be ever green.

"Let us not in this hour spent at recollection's shrine forget the sympathy we owe to those whose associations with him in life were nearer and dearer than ours. The blow that has fallen is heavier to them than to us, and is harder for them to bear. When death sears the soul as with a white hot iron, or stamps it for eternity with the mint mark of sorrow, we find no comfort in poems or philosophy. The slow processes of time alone bring healing, and even the passage of years can never efface the scar nor cure its secret bleeding. As well say to the lowering clouds, 'Shed no rain,' or to the night wind, 'Make no moan,' as to counsel eyes which grief has touched with the dark chasm of woe to cease their weeping, or hearts which despair has entered to hush the longing of their pitiful unrest.

"Let us then as citizens of his beloved State lay tenderly to rest all that is mortal of 'the grand old man.' We know that his soul has crossed the mystic river and is ranged today with Davis and Lee and Jackson and their kindred heroes of the cause which was loved and lost, beneath the immaculate banners of the armies of the Prince of Peace.

"And as we gently lay him down in the bosom of mother earth, we look our last upon his venerable features this side of the gates of Paradise and say:

"Sleep on, sleep well, sleep in peace,
God will not forget you.'

The following addressed the joint session in the order named, being introduced by Speaker Pro Tem. Robertson:

Hon. R. Q. Mills.
Hon. A. B. Davidson.
Hon. C. C. Stokes.
Hon. A. T. McKinney.
Hon. A. W. Terrell.

The addresses of the other speakers could not be obtained and are not here given.

At the conclusion of the address of Hon. A. W. Terrell, Speaker Pro Tem. Robertson announced that the business of the Joint Session was concluded.

Senator McKamy, on part of the Senate, moved that the Senate retire to its chamber.

President Pro Tem. Hanger, on part of the Senate, put the motion, and it prevailed.

The Senate then retired to its chamber.

IN THE SENATE.

Upon return to the Senate chamber. On motion of Senator Hicks, the Senate adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

JUDICIARY NO. 1.

(Floor Report.)

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 311, a bill to be entitled "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that do pass.

HICKS, Chairman.

ENGROSSING DEPARTMENT.

Committee Room,

Austin, Texas, March 22, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 276, being "An Act to authorize, enable and permit the territory situated within the bounds of the city of Hallettsville, in the county of Lavaca and the State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the 'Hallettsville Independent School District,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 22, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 300, a bill to be entitled "An Act to amend Chapter 3 of the General Laws of the State of Texas, passed at the first called session of the Twenty-seventh Legislature, approved September 2, 1901, amending Chapter 3, Section 1, of an act to amend Section 1 of an act entitled 'An Act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to amend an act entitled "An Act to regulate the terms and fix the times for holding district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties, approved April 10, 1899;" to create the Fifty-eighth Judicial District of the State of Texas; to fix the times for holding court therein and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and other process heretofore issued out of the district court of said First Judicial District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,' and to repeal Section 8 of said act, limiting the existence of the Fifty-eighth Judicial District to January 1, A. D. 1907, and all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 21, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 236, being "An Act to amend Article 899 of the Penal Code of the State of Texas of 1895 so as to require the butchers of Karnes county, Texas, to give bond as required by law,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,
Austin, Texas, March 22, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 277, being "An Act to amend Section 17 of an act incorporating the trustees of the independent school district of the city of San Antonio, Texas, passed at the regular session of the Twenty-eighth Legislature of the State of Texas, Chapter 128 of the General Laws,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,
Austin, Texas, March 22, 1905.
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 237, being "An Act to amend Section 1 and Section 14 and Section 15 and Section 16, and add Section 17, containing the emergency clause, to Chapter 110 of the Acts of the Twenty-fifth Legislature, entitled 'An Act to create a more efficient road system for Ellis county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of the county convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public roads, and to provide for a summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for violation of this act, and a repeal of all laws in conflict with same,' so as to make county commissioners road superintendents, and to constitute each commissioner's precinct a road district, and to provide for making delinquent poll tax payers subject to three days' road duty and subjecting them to a penalty for failure to perform same, and to increase the pay of road commissioners, and to enable the commissioners court of Ellis county to keep up with modern road legislation by providing that said commissioners court may from time to time substitute a general law or any part thereof

on the subject of roads and bridges for any part of this act in conflict with same."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,
Austin, Texas, March 22, 1905.
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Committee substitute bill No. 293, being "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, by adding to said Article 642 a new subdivision, to be known as Subdivision 64, providing for the organization of companies for constructing, operating and maintaining causeways or causeways and bridges, with authority to borrow money and issue bonds, without the amount of such issue being limited by the provisions of Article 653 of the Revised Civil Statutes of the State of Texas, with right to demand, receive and collect charges as fares or tolls,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,
Austin, Texas, March 22, 1905.
Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 296, being "An Act to make appropriation of \$3700 for necessary improvements at the Confederate Home, and declaring an emergency,"

And find the same correctly engrossed.

BARRETT, Chairman.

FORTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, March 23, 1905.
Senate met pursuant to adjournment, President Pro Tem. Hanger presiding.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Brachfield.
Beaty.	Chambers.